

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN R. ATCHLEY, a married man,

Plaintiff,

v.

PEPPERIDGE FARMS, INC., a  
Connecticut Corporation,

Defendant.

No. CV-04-0452-FVS  
CV-04-0453-FVS

ORDER CONSOLIDATING CASES AND  
SETTING ORAL ARGUMENT

MICHAEL GILROY, a married man,

Plaintiff,

v.

PEPPERIDGE FARM, INCORPORATED, a  
Connecticut Corporation,

Defendant.

**THIS MATTER** came before the Court for a telephonic scheduling conference on July 6, 2007. The Plaintiffs were represented by John F. Bury. The Defendant was represented by David R. Broom. This order is intended to memorialize and supplement the Court's oral rulings. The Court being fully advised,

**IT IS HEREBY ORDERED:**

1. **The above captioned matters shall be joined under CV-04-0452-**

1 **FVS. All future pleadings shall be filed in CV-04-0452-FVS.**

2 2. Upon resolution of the motions currently pending in CV-04-  
3 0453-FVS, that case shall be closed.

4 3. Henceforth, the caption of CV-04-0452-FVS shall be "John R.  
5 Atchley, a married man, and Michael Gilroy, a married man, Plaintiffs,  
6 v. Pepperidge Farm, Inc., a Connecticut Corporation."

7 4. The parties and the District Court Executive shall conform the  
8 caption of all future filings in CV-04-0452-FVS to that specified in  
9 Paragraph 3.

10 5. Gilroy's Request for Oral Argument on Defendant's Motion for  
11 Order for Summary Judgment on Counterclaim, **Ct. Rec. 240** in **CV-04-**  
12 **0453-FVS**, is **GRANTED**.

13 6. Gilroy's Motion to Continue or Deny Summary Judgment and for  
14 Order to Enlarge Time to File Response Brief, **Ct. Rec. 247** in **CV-04-**  
15 **0453-FVS**, is **GRANTED IN PART** and **DENIED IN PART**.

16 a) In order to enable the Discovery Master to resolve  
17 related discovery issues, Gilroy must file his response to the  
18 Defendant's Motion for Order of Summary Judgment on Counterclaim,  
19 Ct. Rec. 223 in CV-04-0453-FVS, no later than **August 24, 2007**.

20 b) The Defendant must file its reply to Gilroy's response no  
21 later than **September 7, 2007**.

22 7. The Plaintiff's Motions for Extension of Time to File  
23 Response/Reply briefs, **Ct. Rec. 239** in **CV-04-0452-FVS**, **Ct. Rec. 257** in  
24 **CV-04-0453-FVS**, are **GRANTED**.

25 a) The Plaintiffs shall file their response to the  
26 Defendant's Motion in Limine to Exclude Plaintiff's Proffered

1 Expert Witness Opinions, Ct. Rec. 228 in CV-04-0453-FVS, Ct. Rec.  
2 229 in CV-04-0453-FVS, no later than 14 days after the deposition  
3 of the Defendant's expert, Scott Martin.

4 b) The Defendant shall file its reply no later than 14 days  
5 after the filing of the Plaintiffs' response brief.

6 8. The Defendant's Motion for Extension of Time to File  
7 Response/Reply, Ct. Rec. 260 in CV-04-0453-FVS, is **GRANTED**.

8 9. The Defendant's Motion for Extension of Time to File  
9 Response/Reply, Ct. Rec. 242 in CV-04-0452-FVS, Ct. Rec. 264 in CV-04-  
10 0453-FVS, is **GRANTED**.

11 10. Oral argument on the following motions shall be heard on  
12 **September 20, 2007 at 11:00 a.m:**

13 a) The Defendant's Motion for Order of Summary Judgment on  
14 Counterclaim, Ct. Rec. 223 in CV-04-0453-FVS;

15 b) Gilroy's Motion to Strike the Declaration Ronald C.  
16 Woolsey, Ct. Rec. 244 in CV-04-0453-FVS;

17 c) The Defendant's Motion to Strike Affidavit of Michael  
18 Gilroy in Opposition to Defendant's Motion for Partial Summary  
19 Judgment on Counterclaim, Ct. Rec. 287 in CV-04-0453-FVS.

20 **IT IS SO ORDERED.** The District Court Executive is hereby  
21 directed to enter this order and furnish copies to counsel.

22 **DATED** this 9th day of July, 2007.

23  
24 s/ Fred Van Sickle  
Fred Van Sickle  
25 United States District Judge  
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